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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

#11  
JS-6

**CIVIL MINUTES - GENERAL**

Case No.	ED CV 11-972 PSG (SPx)	Date	September 14, 2011
Title	Rocio Pineda v. Bank of America, N.A. et al.		

Present:	The Honorable Philip S. Gutierrez, United States District Judge
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Wendy K. Hernandez	Not Present	n/a
Deputy Clerk	Court Reporter	Tape No.

Attorneys Present for Plaintiff(s):

Attorneys Present for Defendant(s):

Not Present

Not Present

**Proceedings: (In Chambers) Order GRANTING Defendant Bank of America's Motion to Dismiss and DISMISSING Case with Prejudice**

Pending before the Court is Defendant Bank of America, N.A.'s motion to dismiss Plaintiff's complaint. The Court finds the matter appropriate for decision without oral argument. Fed. R. Civ. P. 78; L.R. 7-15. After considering the moving papers, the Court GRANTS Defendant's motion and DISMISSES the case with prejudice.

On May 25, 2011, Plaintiff Rocio Pineda ("Plaintiff") filed this suit in California state court against Defendants Bank of America, N.A. ("Bank of America") and Quality Loan Service Corporation. On June 20, 2011, the case was removed to this Court, and on July 13, 2011, Defendant Bank of America filed the present motion to dismiss Plaintiff's complaint in its entirety as against Bank of America. *See* Dkt # 11. Under Local Rule 7-9, Plaintiff was required to file and serve an opposition to the motion by August 29, 2011. Plaintiff did not file an opposition by that date. Pursuant to Local Rule 7-12, the Court deems Plaintiff's failure to file a timely opposition to be consent to the granting of the motion. *See* L.R. 7-12. Accordingly, the Court grants Defendant Bank of America's motion. And as Plaintiff has failed to persuade the Court that amendment would be efficacious, dismissal in this instance is with prejudice. *See Reddy v. Litton Indus.*, 912 F.2d 291, 296 (9th Cir. 1990) (indicating that dismissal of claims with prejudice is proper when any proposed amendment would be "futile").

In addition, the Court notes that on June 3, 2011, Defendant Quality Loan Service Corporation filed a Declaration of Nonmonetary Status pursuant to California Civil Code § 2924l. *See Defendant Quality Loan Service Corporation's Consent to Removal* [Dkt # 3], Exh. 1. As no party filed an objection to that declaration within the fifteen-day period provided for by

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the statute, Defendant Quality Loan Service Corporation is no longer required to participate in the action. *See* Cal. Civ. Code § 2924l (c), (d).

For the foregoing reasons, the Court GRANTS Defendant Bank of America's motion to dismiss and DISMISSES this case, in its entirety, with prejudice.

**IT IS SO ORDERED.**